
SUBSTITUTE HOUSE BILL 2268

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lantz, Lovick, Strow, Kagi, Eddy, Ericks, Green, B. Sullivan, McCoy, Moeller, Schual-Berke, Kenney, Hunt, Kelley and Ormsby)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to the possession of dangerous weapons on school
2 facilities; amending RCW 9.41.280; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.41.280 and 1999 c 167 s 1 are each amended to read
5 as follows:

6 (1) It is unlawful for a person to carry onto, or to possess on,
7 public or private elementary or secondary school premises, school-
8 provided transportation, or areas of facilities while being used
9 exclusively by public or private schools:

10 (a) Any firearm;

11 (b) Any (~~other dangerous weapon as defined in RCW 9.41.250~~) live
12 ammunition, an ammunition magazine, or a device for suppressing the
13 noise of any firearm;

14 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
15 two or more lengths of wood, metal, plastic, or similar substance
16 connected with wire, rope, or other means;

17 (d) Any device, commonly known as "throwing stars", which are
18 multi-pointed, metal objects designed to embed upon impact from any
19 aspect; (~~or~~)

1 (e) Any air gun, including any air pistol or air rifle, designed to
2 propel a BB, pellet, or other projectile by the discharge of compressed
3 air, carbon dioxide, or other gas;

4 (f) A blackjack, slung shot, sling shot, sand club, billy club, or
5 metal knuckles;

6 (g) Any stun gun or other object, instrument, or device which, when
7 applied to a person or animal, is designed to administer an
8 incapacitating electric shock, charge, or impulse, including but not
9 limited to, a projectile stun gun, which projects wired probes attached
10 to the device that emit an electrical charge;

11 (h) Any explosive or firework as defined in RCW 70.77.126, or any
12 weapon containing poisonous or injurious gases; or

13 (i) Any dirk, dagger, spring blade knife, knife having a blade
14 longer than three inches, razor with an unguarded blade, knife having
15 a blade which is automatically released by a spring mechanism or other
16 mechanical device, or knife having a blade which opens, or falls, or is
17 ejected into position by the force of gravity, or by an outward,
18 downward, or centrifugal thrust or movement.

19 (2) It is unlawful for a person on public or private elementary or
20 secondary school premises, school-provided transportation, or areas of
21 facilities while being used exclusively by public or private schools,
22 to possess and use, attempt to use, threaten to use, or intend to use,
23 any object, implement, or instrument that has the capacity to inflict
24 death or substantial bodily harm when the use, attempt, threat, or
25 intent is of a nature likely to inflict such death or harm. Objects,
26 implements, and instruments subject to this subsection include but are
27 not limited to:

28 (a) Any object or instrument equipped with a blade or sharp or
29 sharpened extension that could reasonably be used for cutting, slicing,
30 or stabbing, including but not limited to:

31 (i) Any knife not described in subsection (1) of this section; and
32 (ii) A tool or device, such as a leather punch, ice pick, or
33 screwdriver;

34 (b) Any object not described in subsection (1) of this section that
35 could be used as a club, including a metal baton, pipe, bar, or other
36 tool;

37 (c) Any item not described in subsection (1) of this section
38 containing poisonous or injurious gas, liquid, or other substance.

1 (3) A multistakeholder advisory committee to the office of the
2 superintendent of public instruction that addresses elements of school
3 safety is encouraged to develop a model policy and guidance for school
4 building administrators, school staff, school security personnel, and
5 members of threat assessment committees regarding procedures that
6 should be followed to document evidence of a person's use, attempt to
7 use, threat to use, or intent to use a dangerous weapon on school
8 grounds.

9 ~~((+2))~~ (4) Any ~~((such))~~ person violating subsection (1) or (2) of
10 this section is guilty of a gross misdemeanor, except as provided in
11 (a) of this subsection.

12 (a) Any person violating subsection (1)(a) of this section is
13 guilty of a class C felony, except that a student who was otherwise
14 legally in possession of an unloaded firearm secured within a locked
15 vehicle, and who possessed the firearm with no intent to use it or
16 threaten to use it, or intent to cause or threaten to cause alarm with
17 it, is guilty of a gross misdemeanor.

18 (b) In addition, if any person is convicted of a violation of
19 subsection (1)(a) of this section, the person shall have his or her
20 concealed pistol license, if any, revoked for a period of three years.
21 Anyone convicted under this subsection is prohibited from applying for
22 a concealed pistol license for a period of three years. The court
23 shall send notice of the revocation to the department of licensing, and
24 the city, town, or county which issued the license.

25 (c) Any violation of subsection (1)(a) of this section by
26 elementary or secondary school students constitutes grounds for
27 expulsion from the state's public schools in accordance with RCW
28 28A.600.420. Any other violation by elementary or secondary school
29 students constitutes grounds for expulsion from the state's public
30 schools in accordance with RCW 28A.600.010. Within one business day of
31 any allegation or indication of a violation, an appropriate school
32 authority shall promptly notify law enforcement and the student's
33 parent or guardian regarding ~~((any))~~ the allegation or indication of
34 such violation. Law enforcement shall forward this notification to the
35 prosecuting attorney.

36 (d) Upon the arrest of a person ~~((at least twelve years of age~~
37 and)) not more than twenty-one years of age for violating subsection
38 (1)(a) of this section, the person shall be detained or confined in a

1 juvenile or adult facility for up to seventy-two hours. The person
2 shall not be released within the seventy-two hours until after the
3 person has been examined and evaluated by the ((~~county~~))designated
4 mental health professional unless the court in its discretion releases
5 ((~~the~~)) a person ((~~sooner after a determination regarding probable~~
6 ~~cause or on probation bond or bail~~)) under twelve years of age to the
7 custody of a parent or guardian.

8 Within twenty-four hours of the arrest, the arresting law
9 enforcement agency shall refer the person to the ((~~county~~))designated
10 mental health professional for examination and evaluation under chapter
11 71.05 or 71.34 RCW and inform a parent or guardian of the person of the
12 arrest, detention, and examination. The ((~~county~~))designated mental
13 health professional shall examine and evaluate the person subject to
14 the provisions of chapter 71.05 or 71.34 RCW. The examination shall
15 occur at the facility in which the person is detained or confined. If
16 ((~~the~~)) a person under twelve years of age has been released ((~~on~~
17 ~~probation, bond, or bail~~)) prior to the required examination, the
18 examination shall occur wherever is appropriate.

19 The ((~~county~~))designated mental health professional may determine
20 whether to refer the person to the ((~~county~~))designated chemical
21 dependency specialist for examination and evaluation in accordance with
22 chapter 70.96A RCW. The ((~~county~~))designated chemical dependency
23 specialist shall examine the person subject to the provisions of
24 chapter 70.96A RCW. The examination shall occur at the facility in
25 which the person is detained or confined. If ((~~the~~)) a person under
26 twelve years of age has been released ((~~on probation, bond, or bail~~))
27 prior to the required examination, the examination shall occur wherever
28 is appropriate.

29 Upon completion of any examination by the ((~~county~~))designated
30 mental health professional or the ((~~county~~))designated chemical
31 dependency specialist, the results of the examination shall be sent to
32 the court, and the court shall consider those results in making any
33 determination about the person.

34 The ((~~county~~))designated mental health professional and
35 ((~~county~~))designated chemical dependency specialist shall, to the
36 extent permitted by law, notify a parent or guardian of the person that
37 an examination and evaluation has taken place and the results of the

1 examination. Nothing in this subsection prohibits the delivery of
2 additional, appropriate mental health examinations to the person while
3 the person is detained or confined.

4 If the (~~county~~) designated mental health professional determines
5 it is appropriate, the (~~county~~) designated mental health professional
6 may refer the person to the local regional support network for follow-
7 up services or the department of social and health services or other
8 community providers for other services to the family and individual.
9 If the person examined is determined by the designated mental health
10 professional to be ineligible for detention or services relative to the
11 provisions of chapter 71.05 or 71.34 RCW, the person should be referred
12 to a multidisciplinary threat or risk assessment committee, where
13 available, for determination of the person's risk for continued
14 violence and the development of a safety plan for the person and any
15 known targets or victims. The threat or risk assessment committee is
16 typically comprised of representatives from school districts, local law
17 enforcement, local juvenile justice agencies, mental health, risk
18 management organizations, local family services organizations, and
19 school safety or security professionals.

20 ((+3)) (5) Subsection (1) of this section does not apply to:

21 (a) Any student or employee of a private military academy when on
22 the property of the academy;

23 (b) Any person engaged in military, law enforcement, or school
24 district security activities;

25 (c) Any person who is involved in a convention, showing,
26 demonstration, lecture, or firearms safety course authorized by school
27 authorities in which the firearms of collectors or instructors are
28 handled or displayed;

29 (d) Any person while the person is participating in a firearms or
30 air gun competition approved by the school or school district;

31 (e) Any person in possession of a pistol who has been issued a
32 license under RCW 9.41.070, or is exempt from the licensing requirement
33 by RCW 9.41.060, while picking up or dropping off a student;

34 (f) Any nonstudent at least eighteen years of age legally in
35 possession of a firearm or (~~dangerous~~) other weapon specified in
36 subsection (1) of this section that is secured within an attended
37 vehicle or concealed from view within a locked unattended vehicle while
38 conducting legitimate business at the school;

1 (g) Any nonstudent at least eighteen years of age who is in lawful
2 possession of an unloaded firearm, secured in a vehicle while
3 conducting legitimate business at the school; ~~((e))~~

4 (h) Any law enforcement officer of the federal, state, or local
5 government agency; or

6 (i) Any person legally in possession of a weapon specified in
7 subsection (1) of this section for an activity or class authorized to
8 be conducted on the school premises, school-provided transportation, or
9 areas of facilities while being used exclusively by the school, where
10 the weapon has been brought to the school premises with express prior
11 permission to be used in the approved activity or class, or has been
12 provided specifically for the activity or class.

13 ~~((4))~~ (6) Subsections (1)(c) and (d) of this section do not apply
14 to any person who possesses nun-chu-ka sticks, throwing stars, or other
15 dangerous weapons to be used in martial arts classes authorized to be
16 conducted on the school premises.

17 ~~((5))~~ (7) Except as provided in subsection ~~((3))~~ (5)(b), (c),
18 ~~((f))~~, and (h) of this section, firearms are not permitted in a
19 public or private school building.

20 ~~((6))~~ (8) "GUN-FREE ZONE" signs shall be posted around school
21 facilities giving warning of the prohibition of the possession of
22 firearms on school grounds.

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